

From: Don Williston
To: Microsoft ATR
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Subject: settlement

My comments about the Microsoft settlement:

1. Unlike Standard Oil and American Tobacco, whose products were static in design, Microsoft's product is dynamic, constantly striving to be adequate.
2. The error in the action against Microsoft is not that Microsoft was innocent, it is that the laws protecting Microsoft's product(s) are not proper for the intellectual property markets, and the appropriate remedies must come from the Congress and not the Courts and not the Justice Department.
3. What Microsoft owns is not property at Common Law; instead is property and property rights created by Congress. Article 1 Section 8 provides Congress with the power: To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.
4. The key work in the Constitution is LIMITED.
5. Secondly, the monopoly laws are to protect consumers, not competitors. Congress should be encouraged to clarify the property rights of copyright holders and patent holders, limiting their authority to license through OEM's to consumers, and requiring that the consumers have rights directly to the manufacturer. OUTLAW the term re-seller. Require Microsoft to support its products free for a period, perhaps no more than 3 years, but the three years runs from the time of the final sale of the product (i.e. Windows 95 was last sold as a new computer install when?, certainly more recently than 1999), not the time of original marketing. Tort laws have held companies liable for products manufactured many, many years ago.